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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,834	06/23/2003	Modie Katz	10454	9560

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EXAMINER

PHAN, HAU VAN

ART UNIT PAPER NUMBER

3618

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/601,834

Applicant(s)

KATZ, MODIE

Examiner

Hau V Phan

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14 and 15 is/are allowed.
- 6) ☒ Claim(s) 1 and 6-13 is/are rejected.
- 7) ☒ Claim(s) 2-5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1, 6-8, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cates et al. (6,722,672) in view of White et al. (5,318,315).**

Cates et al. in figures 1- 4, disclose a handcart comprising a box for hauling a load. The box includes a bottom portion (35) having four sides and at least three side portions disposed about at least three sides of the bottom portion and extending perpendicularly outward from the bottom portion. Cates et al. also disclose a detachable handle (64). The handle removably attached to the box in at least two positions such that handle is used in a first position as a dolly and in a second position as a cart (col. 5, lines 9-16). Cates et al. further disclose at least one wheel (42) attached to the box. Cates et al. fail to show at least one stabilizing foot.

White et al. in figure 1, teaches a wheeled carrier comprising a box and at least one stabilizing foot (20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the handcart of Cates et al. with the addition of at least one stabilizing foot as taught by White et al. in order to support the handcart when the carrier is stationary.

Regarding claim 6, White et al. disclose an axle (21), which is mounted on the underside of a box (11) for mounting at least one wheel (16).

Regarding claim 7, White et al. disclose the at least one wheel comprising two wheels mounted on the axle. The two wheels mounted on opposing sides of the box.

Regarding claim 8, White et al. disclose the axle, which is located at a distance such that outer-perimeter of each wheel is flush with a front side of the box (see figure 5).

Regarding claim 10, White et al. disclose the stabilizing foot, which is U-shaped.

Regarding claim 12, White et al. disclose a detachable handle (17), which is U-shaped having a handle portion and opposing parallel shafts.

3. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cates et al. (6,722,672) in view of White et al. (5,318,315) as applied to claim 7 above, and further in view of Hawkins (4,981,412).

The combination of Cates et al. and White disclose the axle, but fail to show a pedal mounted on the axle.

Hawkins in figure 1, teaches a hand truck comprising a pedal (62), which is connected to an axle midway between two wheels (56). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the handcart of Cates et al. in view of White with the addition of a pedal as taught by Hawkins in order to improve way of lifting of the handcart.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cates et al. (6,722,672) in view of White et al. (5,318,315) as applied to claim 10 above, and further in view of Mosley (5,915,706).

The combination of Cates et al. and White disclose the at least one stabilizing foot, but fail to show two U-shaped stabilizing feet.

Mosley in figure 1, teaches a wheelbarrow comprising two U-shaped stabilizing feet (14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the handcart of Cates et al. in view of White with the addition of two U-shaped stabilizing feet as taught by Mosley in order to improve durability and load holding capability of the handcart.

5. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cates et al. (6,722,672) in view of White et al. (5,318,315) and Mosley (5,915,706) as applied to claim 11 above, and further in view of McConnell et al. (5,464,183).

The combination of Cates et al., White et al. and Mosley disclose the handle, but fail to show an accessory bar.

McConnell et al. in figure 1, teach an accessory bar (10), which can be attached to a handle. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the handcart of Cates et al. in view of White and Mosley with the addition of an accessory bar as taught by McConnell et al. in order to hold accessory items on the handcart.

Allowable Subject Matter

6. Claims 2-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 14-15 are allowed.

The following is an examiner's statement of reasons for allowance.

The prior art does not teach the combination dolly and cart as recited in claims 14-15, which include a detachable handle, which is removably attached to a box. The detachable handle has a first position as a dolly and a second position as a cart. The combination dolly and cart includes a gate attached to the detachable handle. The gate includes an accessory box. The combination dolly and cart also includes a pedal mounted on an axle midway between left and right wheels. This recitation, in combination with the rest of the recited elements, clearly defines over the prior art.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Illsley discloses a wheeled truck, Douglas discloses a folding utility cart, Chateauneuf et al. disclose a multi purpose transport cart, .

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau V Phan whose telephone number is 703-308-2084. The examiner can normally be reached on 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Johnson can be reached on 703-308-0885. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hau V Phan
Examiner
Art Unit 3618

Hau Phan
6/24/04

HAU PHAN
PATENT EXAMINER